

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JODY LEE WALLETTTE,

Defendant.

CASE NO: 2:23-CR-0022-TOR

ORDER ACCEPTING GUILTY PLEA
AND SETTING SENTENCING
SCHEDULE

On August 17, 2023, Jody Lee Wallethe appeared before the Court and entered a plea of guilty to Count 1 of the Indictment filed on March 7, 2023, charging him with Distribution of 50 Grams or More of Actual (Pure) Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii). The Defendant was represented by Robert M. Seines. Caitlin A. Baunsgard appeared on behalf of the government.

The Court finds that Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and consequences of the plea and the plea of guilty is knowing, and voluntary, is not

ORDER ACCEPTING GUILTY PLEA AND SETTING SENTENCING
SCHEDULE ~ 1

1 induced by fear, coercion, or ignorance and is supported by an independent basis in
2 fact establishing each of the essential elements of the crime. Therefore, the
3 Defendant's plea of guilty is accepted.

4 **ACCORDINGLY, IT IS HEREBY ORDERED:**

5 1. A sentencing hearing is set for **November 15, 2023, at 11:30 a.m.**, in
6 Spokane Courtroom 902. Absent truly exigent circumstances, the Court will not
7 consider a request for a continuance of sentencing unless: (1) the request is made
8 by written motion, (2) in accordance with LCivR 7, and (3) the motion and
9 supporting declaration are filed at least seven (7) days before the scheduled
10 sentencing hearing.

11 2. The Defendant shall remain in the custody of the U.S. Marshal's Service
12 pursuant to the detention order previously entered in this matter. ECF No. 15. **If a**
13 **sentence of incarceration is imposed, the Defendant shall remain in the**
14 **custody of the U.S. Marshal's Service.**

15 3. The United States Probation Office shall prepare a Presentence
16 Investigation Report (PSIR) pursuant to Fed. R. Crim. P. 32(c).

17 4. Not later than **October 4, 2023**, the probation officer shall disclose the
18 Presentence Investigation Report to the Defendant, counsel for Defendant, and the
19 Government. Disclosure of the Presentence Investigation Report shall be subject
20 to the limitations imposed by Rule 32 of the Federal Rules of Criminal Procedure.

ORDER ACCEPTING GUILTY PLEA AND SETTING SENTENCING
SCHEDULE ~ 2

1 5. Not later than **October 18, 2023**, counsel shall communicate in writing
2 to the probation office (and opposing counsel) any objections they may have as to
3 legal and factual errors or omissions; sentencing classifications; sentencing
4 guideline ranges; and policy statements contained in or omitted from the report. If
5 an objection is filed, the probation officer shall conduct such additional
6 investigation as is necessary to assess the merits of the objection.

7 6. The probation officer shall submit the final Presentence Investigation
8 Report to the Court by **November 1, 2023**. The report shall be accompanied by an
9 addendum setting forth any objections counsel may have made, including those
10 that have not been resolved, together with the officer's comments and
11 recommendations thereon.

12 7. Not later than **November 1, 2023**, counsel shall file and serve all
13 motions and memoranda pertaining to Defendant's sentence, including departures
14 and variances, and sentencing recommendations. **FAILURE TO FILE AND**
15 **SERVE SENTENCING MATERIAL, TO INCLUDE MOTIONS OR**
16 **MEMORANDA FOR UPWARD OR DOWNWARD DEPARTURE AND**
17 **VARIANCES, BY THIS DATE WILL BE DEEMED A WAIVER OF THE**
18 **RIGHT TO DO SO.**

19 8. Not later than **November 8, 2023**, the opposing party shall file and serve
20 its response limited to no more than seven (7) pages.

ORDER ACCEPTING GUILTY PLEA AND SETTING SENTENCING
SCHEDULE ~ 3

1 9. If either party intends to call witnesses or proffer exhibits at sentencing,
2 witness and exhibit lists must be exchanged by the parties and provided to the
3 Court no later **November 8, 2023**.

4 10. All pending motions are **DENIED as moot** and all pending hearing and
5 trial dates are stricken from the Court's calendar.

6 11. The District Court Executive is authorized to accept Defendant's \$100
7 payment which shall be applied to the Special Penalty Assessment.

8 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
9 this Order and provide copies to counsel, the United States Probation Office, and
10 the United States Marshal's Service.

11 DATED August 17, 2023.



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Thomas O. Rice
THOMAS O. RICE
United States District Judge